

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

RECEIVED

MAY - 1 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

Application by **SBC COMMUNICATIONS, INC.,**

CC Docket No. 97-121

Southwestern Bell Telephone Company, and Southwestern
Bell Communications Services, Inc. d/b/a Southwestern Bell
Long Distance for Provision of In-Region, InterLATA
Services in Oklahoma

**COMMENTS OF THE PAGING AND NARROWBAND PCS ALLIANCE
OF THE PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION**

The Paging and Narrowband PCS Alliance of the Personal Communications Industry Association ("PCIA")¹ respectfully submits its comments on the application by SBC Communications and its affiliates to provide in-region, interLATA services in Oklahoma. PCIA urges the Commission to deny the application on the ground that it is not in the public interest to permit SBC into the long distance market until such time as it complies fully with all its interconnection obligations, including its obligations toward paging companies and other providers of commercial mobile radio services ("CMRS"). At this time, SBC and its affiliates

¹ PCIA is the international trade association that represents the interests of both commercial and private mobile radio service providers. PCIA's Federation of Councils includes the Paging and Narrowband PCS Alliance; the Broadband PCS Alliance; the Specialized Mobile Radio Alliance; the Site Owners and Managers Association; the Association of Wireless System Integrators; the Association of Communications Technicians; and the Private System Users Alliance.

continue to *charge* PCIA members who provide paging services² in Oklahoma for the privilege of carrying *SBC-originated* traffic. Indeed, SBC has threatened to “cease provision of facilities” to paging carriers if these unlawful charges are not paid. These practices violate the Commission’s long-standing policy of mutual compensation between local exchange carriers (“LECs”) and CMRS providers, as well as the specific provisions of the Telecommunications Act of 1996 and the regulations adopted by the Commission both before and after that Act.

SBC Is Not Complying with Its Interconnection Obligations

The Commission has long recognized that both wireline and mobile service providers are carriers, and that each should be obligated to interconnect for the purpose of terminating the other’s traffic.³ Ten years ago, the Commission expressly stated that wireline/cellular interconnection should be based on the principle of “mutual compensation” — that is, that mobile service providers and LECs “are equally entitled to just and reasonable compensation for their provision of access.”⁴ The Commission adopted these policies pursuant to section 201 of the Communications Act of 1934.⁵

When Congress amended the Communications Act in 1993 to create a comprehensive federal framework for commercial mobile radio services,⁶ the Commission reaffirmed its

² PCIA represents both traditional paging service providers and narrowband PCS licensees. As used in these comments, the term “paging” is intended to embrace narrowband PCS as well.

³ *Cellular Communications Systems*, 86 F.C.C.2d 469, 496 (1981), *recon.*, 89 F.C.C.2d 58 (1982).

⁴ *The Need to Promote Competition and Efficient Use of Spectrum for Radio Common Carrier Services*, Declaratory Ruling, 2 F.C.C. Rcd. 2910, 2915 (1987), *recon.*, 4 F.C.C. Rcd. 2369 (1989).

⁵ 47 U.S.C. § 201.

⁶ 47 U.S.C. § 332. Section 332 expanded the Commission’s authority under section 201 of the Act to order interconnection requested by CMRS providers. 47 U.S.C. § 332(c)(1)(B).

reciprocal compensation policies and extended them to all CMRS providers.⁷ The Commission adopted a new regulation on LEC-CMRS interconnection that expressly requires “mutual compensation.”⁸ LECs must pay CMRS providers “reasonable compensation . . . in connection with terminating traffic that originates on facilities of the local exchange carrier,” and CMRS providers must pay for CMRS-originated traffic.⁹ By requiring LECs to *compensate* CMRS providers for terminating LEC-originated traffic (and *vice versa*), the regulation logically prohibits any LEC from *collecting* from a CMRS provider for costs associated with the transport and termination of LEC-originated traffic. The Commission has confirmed that LEC attempts to charge CMRS providers for terminating LEC-originated traffic violate section 20.11 of the Commission’s rules.¹⁰

These same obligations were independently imposed by the Telecommunications Act of 1996.¹¹ Section 251(b)(5) of the Act requires all LECs “to establish reciprocal compensation arrangements for the transport and termination of telecommunications.”¹² Paging providers, like

⁷ *Implementation of Sections 3(n) and 332 of the Communications Act*, 9 F.C.C. Rcd. 1411, 1497-1501 (1994).

⁸ 47 C.F.R. § 20.11(b), *reprinted as originally adopted at* 9 F.C.C. Rcd. 1411, 1520-21.

⁹ *Id.*

¹⁰ *Local Interconnection Order*, 11 F.C.C. Rcd. at 16044 (“we conclude that, in many cases, incumbent LECs . . . imposed charges for traffic originated on CMRS providers’ networks, . . . in violation of section 20.11 of our rules”). While the Commission has invoked sections 251 and 252 of the Telecommunications Act of 1996 to promulgate new interconnection requirements in Part 51 of the Commission’s rules (discussed below), the Commission retains its section 332 jurisdiction, *Local Interconnection Order*, 11 F.C.C. Rcd. at 16005, as exercised in section 20.11 of the Commission’s rules.

¹¹ Pub. L. No. 104-104, 110 Stat. 56, *codified at* 47 U.S.C. §§ 151 *et seq.*

¹² 47 U.S.C. § 251(b)(5). Significantly, this is an obligation so fundamental that it is imposed on *all* LECs, not just incumbents. SBC, as an incumbent LEC, has the additional obligation “to negotiate in good faith in accordance with section 252 the particular terms and conditions of agreements to fulfill” its reciprocal compensation obligation. 47 U.S.C. § 251(c)(1).

all other CMRS providers, offer “telecommunications.”¹³ Thus, the reciprocal compensation obligation of section 251(b)(5) — which forbids LEC charges for LEC-originated traffic — applies to paging providers as well as other CMRS providers. The Commission made this explicit in its *Local Interconnection Order*,¹⁴ where it stated, “All CMRS providers offer telecommunications. Accordingly, LECs are obligated pursuant to section 251(b)(5) (and the corresponding pricing standards of section 252(d)(2)), to enter into reciprocal compensation arrangements with all CMRS providers, *including paging providers*, for the transport and termination of traffic on each other’s networks, pursuant to the rules governing reciprocal compensation”¹⁵ The Commission also noted once again that section 251(b)(5), by requiring the LEC to *compensate* the CMRS provider for terminating LEC-originated traffic, necessarily prohibits any arrangement by which the LEC *charges* the CMRS provider for terminating LEC-originated traffic.¹⁶

The FCC codified its interpretation in section 51.703(b) of its rules, which states as plainly as possible, “A LEC *may not assess charges* on any other telecommunications carrier for local telecommunications traffic that originates on the LEC’s network.”¹⁷ This regulation was briefly stayed by the U.S. Court of Appeals for the Eighth Circuit, but that stay was lifted and the

¹³ 47 U.S.C. § 3(43) (“telecommunications” defined as “the transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received”).

¹⁴ *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, 11 F.C.C. Rcd. 15499 (1996) (“*Local Interconnection Order*”).

¹⁵ *Local Interconnection Order*, 11 F.C.C. Rcd. at 15997 (emphasis added). *See also id.* at 16016.

¹⁶ *Local Interconnection Order*, 11 F.C.C. Rcd. at 16016.

¹⁷ 47 C.F.R. § 51.703 (1996) (emphasis added).

regulation is in force today.¹⁸ Indeed, several incumbent LECs agree with PCIA that section 51.703(b) forbids *all* LEC charges for LEC-originated traffic, including the costs of facilities used for the transport and termination of that traffic.¹⁹

Despite the clear language of section 51.703(b), despite the Commission's interpretation of section 20.11, and despite the Commission's many previous efforts to facilitate fair interconnection between LECs and paging providers for at least ten years prior to the passage of the Telecom Act of 1996 — *despite all of this* — SBC continues to charge paging providers in Oklahoma for the facilities used to transport and terminate *SBC-originated traffic*.²⁰ In fact, SBC has recently threatened to "cease provision of facilities" to paging carriers unless they pay these unlawful charges. In an effort to resolve this dispute, PCIA members provided SBC with a copy of a letter from Common Carrier Bureau Chief Regina M. Keeney,²¹ confirming that section 51.703 prohibits LEC charges for termination of LEC-originated traffic. So far, however, SBC has refused to conform its billing practices to the Commission's rules.²²

¹⁸ *Iowa Utilities Bd. v. FCC*, No. 96-3321 (8th Cir. Nov. 1, 1996). In addition, section 20.11 of the Commission's rules, which independently prohibits the LEC charges for LEC-originated traffic, was never stayed and continues in effect without regard to any stay of any Part 51 rule.

¹⁹ Letters to this effect from other LECs have been shared with SBC. SBC's recent letter to the Chief of the Common Carrier Bureau argues that section 51.703 only covers "traffic-sensitive origination charges," while 51.709 (not yet in effect) covers the cost of facilities used for transport and termination. Letter from Paul E. Dorin to Regina Keeney (April 25, 1997). However, since *all* paging traffic is LEC-originated traffic at this time, the distinction between "traffic" costs and "facilities" costs is illusory insofar as paging services are concerned.

²⁰ SBC has imposed these charges on PageNet in Oklahoma.

²¹ Letter from Regina M. Keeney to Cathleen Massey, Kathleen Abernathy, Mark Stachiw, and Judith St. Ledger-Roty (March 3, 1997).

²² SBC's unlawful demands are documented in letters from SBC to PCIA members. True and correct copies of some letters illustrating SBC's demands are attached as Exhibit A.

**SBC's Application Under Section 271 Cannot Be Granted
While SBC Is Violating Its Interconnection Obligations.**

The Telecommunications Act of 1996 amended the Communications Act of 1934 to add a new section 271 governing Bell Operating Company entry into interLATA services. Section 271 permitted the BOCs to provide out-of-region, interLATA services immediately, but required them to apply to the FCC for authority to provide in-region, interLATA services. Section 271 forbids the Commission from granting such an application unless it finds (1) that the applicant has satisfied section 271(c)(1) through either "Track A" or "Track B"; (2) that the applicant will comply with the structural safeguards of section 272 in the conduct of its in-region, interLATA business; and (3) that "the requested authorization is consistent with the public interest, convenience, and necessity."²³ Because SBC continues to violate its reciprocal compensation obligations toward paging providers by charging for the transport and termination of traffic originated on SBC's network, SBC's entry into in-region, interLATA services would not be consistent with the public interest, convenience, and necessity.²⁴

Approval of the SBC application would be inconsistent with the public interest, necessity, and convenience for four reasons. First, the Commission has previously announced that swift implementation of reciprocal compensation for LEC-CMRS interconnection is essential to the

²³ 47 U.S.C. § 271(d)(3).

²⁴ These Comments are confined to the public interest standard, but PCIA also notes that SBC attempts to satisfy section 271(c)(1) by way of both "Track A" and "Track B." *See* 47 U.S.C. § 271(c)(1)(A) & (B). The legal theory that would permit SBC to follow these two tracks simultaneously has been widely questioned, and the Commission will no doubt receive many comments on this aspect of the SBC application. To the dubious extent that Track B is available to SBC, PCIA notes that SBC's refusal to extend reciprocal compensation to paging providers violates item 13 of the "competitive checklist," which requires "[r]eciprocal compensation arrangements in accordance with the requirements of section 252(d)." 47 U.S.C. § 271(c)(2)(B)(xiii).

public interest. Indeed, in a Notice of Proposed Rulemaking released less than a month before the Telecom Act was signed into law, the Commission stated, "Any significant delays in the resolution of issues related to LEC-CMRS interconnection compensation arrangements, combined with the possibility that LECs could use their market power to stymie the ability of CMRS providers to interconnect (and may have incentives to do so), could adversely affect the public interest."²⁵ Congress underscored the public interest in reciprocal compensation by incorporating it into the 1996 Act. Yet more than a year has passed since that time and SBC continues to insist on being paid by paging providers for traffic SBC originates. This is, by any standard, a "significant delay," that has "adversely affect[ed] the public interest."²⁶ Surely the Commission will not think the public interest in eradicating these unfair charges is less important now that Congress has spoken, nor less urgent now that another year has passed without compliance.

Second, as a matter of simple fairness, SBC does not deserve to have its application granted at this time. As SBC observes in its application, "New section 271 of the Communications Act represents *a bargain* by which the Bell companies will be freed on a state-by-state basis from restrictions that previously attached to their former monopoly position, *once they have taken the mandated steps to give up their monopoly and have implemented safeguards precluding exercise of local market power.*"²⁷ By flouting its reciprocal compensation obligations under the 1996 Act, as well as sections 20.11 and 51.703(b) of the Commission's rules, SBC has to date reneged on its part of the "bargain." SBC should not enjoy the benefits of the new,

²⁵ *Interconnection Between Local Exchange Carriers and Commercial Mobile Radio Service Providers*, 11 F.C.C. Rcd. 5020, 5047 (1996).

²⁶ *Id.*, 11 F.C.C. Rcd. at 5047.

²⁷ Brief in Support of Application by SBC Communications, Inc., Southwestern Bell Telephone Company, and Southwestern Bell Long Distance for Provision of In-Region, InterLATA Services in Oklahoma, at 3 (emphasis added).

competitive marketplace of the future as long as it continues to use its dominant position in the local exchange market to coerce paging providers into paying SBC for the privilege of carrying SBC-originated traffic on the CMRS networks.

Third, some of the structural safeguards in section 272 will “sunset” based on the date on which a section 271 application is granted. For example, the structural safeguards will cease to apply to a BOC’s manufacturing activities three years after the date the BOC is authorized to provide in-region, interLATA services under section 271(d).²⁸ These structural safeguards are in place precisely in order to curb abuse of market power by the BOCs. It would be unwise in the extreme to start down the path toward the “sunset” of these provisions when all the available evidence suggests that SBC cannot be trusted to comply voluntarily with its legal obligations toward paging providers.

Finally, the Commission’s own enforcement credibility is at stake here. Over the last ten years, the Commission has repeatedly proclaimed that LEC-CMRS interconnection should be based on principles of reciprocal compensation. So far, SBC has ignored every one of these proclamations, including regulations in Parts 20 and 51, and continues to charge paging providers for the transport and termination of calls originated by SBC’s customers. Even in the wake of the Common Carrier Bureau’s recent reaffirmation that these charges violate the Commission’s rules, SBC has insisted that the paging providers must pay, and has threatened to exercise its monopoly market power by “ceas[ing] provision of facilities” if they do not. In the *Local Interconnection Order*, the Commission acknowledged that the promulgation of intelligent rules is useless if the rules are not followed:

²⁸

47 U.S.C. § 272(f)(1).

Because of the critical importance of eliminating these barriers to the accomplishment of the Act's pro-competitive objectives, *we intend to enforce our rules in a manner that is swift, sure, and effective.* . . . We recognize that during the transition from monopoly to competition it is vital that we and the states vigilantly and vigorously enforce the rules that we adopt today and that will be adopted in the future to open local markets to competition. *If we fail to meet that responsibility, the actions that we take today to accomplish the 1996 Act's pro-competitive, deregulatory objectives may prove to be ineffective.*²⁹

Having promised "swift, sure, and effective" enforcement — and having acknowledged that nothing less than the success of the 1996 Act may well depend on that enforcement — the Commission simply cannot *affirmatively reward* a carrier that has not implemented one of the most basic commands of the emerging, competitive future.

Congress knew that the only way to elicit the BOCs' cooperation in opening up the local bottleneck was to condition their entry into the long-distance market on full satisfaction of interconnection obligations. That is the whole theory of section 271. The Commission, having failed for ten years to elicit the BOCs' cooperation on LEC-CMRS reciprocal compensation, must not give away the in-region, interLATA market until SBC keeps up its end of the deal. Until SBC complies — finally — with its ten-year-old reciprocal compensation obligations, it will not be in the public interest to permit SBC into the interLATA market in Oklahoma or anywhere else in its region.

CONCLUSION

For the reasons set forth above, SBC is in violation of the Commission's interconnection rules. To approve its application under section 271 would be an affront to the rule of law, and decidedly not in the public interest. PCIA therefore urges the Commission to deny the SBC

²⁹ *Local Interconnection Order*, 11 F.C.C. Rcd. at 15511-12 (emphasis added).

application and make clear that it will deny all such applications in the future if the applicant is violating the Commission's reciprocal compensation requirements.

Respectfully submitted,

THE PAGING AND NARROWBAND PCS ALLIANCE
OF THE PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION

Robert L. Hoggarth/mag

Robert L. Hoggarth, Senior Vice President,
Paging and Narrowband PCS Alliance
Angela E. Giancarlo, Manager, Industry Affairs,
CMRS Policy
500 Montgomery Street, Suite 700
Alexandria, VA 22314-1561
703-739-0300

Scott Harris

Scott Blake Harris
Mark A. Grannis
GIBSON, DUNN & CRUTCHER, LLP
1050 Connecticut Avenue, N.W.
Washington, DC 20036
202-955-8500

Counsel for the Personal Communications Industry Association


P.04

X86

004 523 2577

05:51 2661-82-840

Southwestern Bell Telephone
One Bell Plaza
Room 9000
Dallas, Texas 75202



STOP PROVISIONING NOTICE

February 21, 1997

Mr. David Sherwood
MAP Mobile Communications
840 Green Brier
Chesapeake, VA 23320

Dear Mr. Sherwood:

We value you as a customer and understand that changes in the regulation of telecommunications services may have caused some misunderstanding as to the proper application of charges.

The FCC's has proposed new rules to govern the way telecommunications carriers interconnect and compensate each other for the interchange of traffic. However, many of the FCC's new rules were Stayed by action of the 8th Circuit Court on November 1, 1996. The Court subsequently lifted the Stay on specific Rules applicable to Commercial Mobile Radio Service (CMRS) providers, i.e., 51.701, 51.703 and 51.717. Despite the fact that the Stay was lifted on some of the FCC's Rules, Rule 51.709, which addresses the charges associated with originating facilities, remains Stayed as of this date.

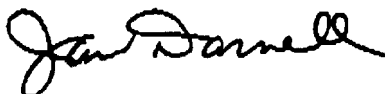
I understand that MAP Mobile Communications may not agree with SWBT's position regarding charges for originating facilities; however, SWBT will continue to bill for originating connecting circuits until the Stay is acted upon and the Order becomes effective.

Our records indicate that your accounts, (see attached), in the amount of \$16,083.17 is past due. Payment of this amount or the negotiation of satisfactory payment arrangements by March 24, 1997, must be made if SWBT is to continue to provision services. If payment is not received or satisfactory payment arrangements have not been made by that date, SWBT will not provision any additional services or rearrange existing services as of March 25, 1997.

Please contact your service representative, Jackie Hyder, on 214 464-1581 to discuss this notice or any disputed charges.

If payment has been made, please accept our thanks and disregard this notice.

Sincerely,



Jan Darnell
Manager-ICSC

Attachment

Certified No.: Z 166 423 284



The One to Call On"®

March 11, 1997

James L. Jones
Director
Access Product Management
Switched Access

Mr. Dennis M. Doyle
Arch Communications Group, Inc.
1800 West Park Drive, Suite 350
Westborough, Mass. 01581

Dear Mr. Doyle,

This is in reference to your recent letters and our subsequent discussions regarding the originating circuits used by Arch Communications Group, Inc. (Arch) to provision its paging services. Your February 28th letter suggested that Southwestern Bell Telephone Company (SWBT) gave no consideration to your February 11th letter when SWBT sent Arch a "Stop Provisioning Notice". I assure you that we did consider the points made in your correspondence, and as I've advised you in our discussions, in light of the Stay of the FCC's Rule 51.709, SWBT will continue to apply tariff charges for originating circuits.

With respect to SWBT's actions related to negotiated interconnection and compensation agreements, those agreements do impact facilities used in the interchange of traffic, but those agreements impact many aspects of interconnection. SWBT is not required to eliminate the charges for originating circuits, but in the spirit of negotiating new interconnection and compensation agreements, both parties typically give and receive consideration on various issues.

SWBT does not view any action it has taken as being discriminatory. Many customers, including Arch, have not requested to enter into negotiations, and until a new agreement is negotiated, interconnection and compensation will continue to be governed by the existing intrastate wireless tariffs, and the FCC's Rules.

Attached to your letter dated March 6, 1997, which you faxed to me on that same date, was a copy of a letter released by the FCC's Common Carrier Bureau on March 3, 1997. I fail to see how you can draw the conclusion from the Common Carrier Bureau's letter, which clearly addresses "originating traffic", that SWBT must stop charging for originating circuits. Nowhere in the Common Carrier Bureau's letter do they even remotely mention facilities or Rule 51.709. The Bureau's letter obviously limits itself to Rule 51.703 and local exchange carrier (LEC) charges associated with LEC originated "traffic". The Bureau's letter simply reaffirms the requirements of the Commission's First Report and Order in CC Docket 96-98 and the Rules which are currently effective.

One Bell Center, 7-Z-1
St. Louis, Missouri 63101

Phone 314 235-2045

I would be glad to meet with you to further discuss this issue, but SWBT intends to continue to charge for originating circuits until, Arch and SWBT enter into a new interconnection and compensation agreement, or until the FCC's Rule 51.709 becomes effective.

If you would like to further discuss this issue, please call me on 314-235-2045.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Jones", with a large, stylized initial "J" and a long, sweeping underline.

Jim Jones

Southwestern Bell Telephone
One Bell Plaza
Room 2802
Dallas, Texas 75202



April 11, 1997

Jennifer Brock
Q Media Co. Paging, Inc.
C/O USA Mobil (STL)
11300 Cornell Park Dr. Ste. 202
Cincinnati, OH 45242

Dear Ms. Brock:

On February 21, 1997, we sent you a letter indicating that changes in the regulation of telecommunications services may have caused some misunderstanding as to the proper application of charges between LECs and paging companies.

As we stated in our previous correspondence, the FCC has proposed new rules to govern the way telecommunications carriers interconnect and compensate each other for the interchange of traffic. However, as you know, many of the FCC's new rules were stayed by action of the 8th. Circuit Court of Appeals. Moreover, application of the FCC's rules as between LECs and pagers has given rise to some serious problems. Despite the reciprocal compensation requirement in the Telecommunications Act, for example, many paging companies are interpreting the FCC's rules to provide for compensation only from LECs to pagers, with no reciprocity at all.

On February 21, SWBT advised you that if payment was not received or satisfactory payment arrangements made, SWBT would not provision any additional facilities or rearrange existing facilities as of March 25, 1997. In a good faith effort to resolve this dispute, however, SWBT has continued to discuss the issue with several pagers and with the FCC while continuing to provision facilities as requested. While these discussions have been productive, to date they have not resolved the dispute.

SWBT values Q Media Co. Paging as a customer and is interested in resolving this issue in a spirit of cooperation. However, while we have no interest in interrupting service to any party's customers, we clearly cannot continue to provide a free service to you forever. Therefore, in good faith we will promptly seek immediate clarification of this issue from the FCC. In the interim, we simply ask that disputed amounts to date and going forward be paid into an escrow account (as mutually agreed by us both) pending resolution of this issue. Of course, if you refuse to take even this action, we will have no choice but to cease provision of facilities beginning May 1, 1997. We hope that in response to our good faith efforts, and in consideration to all customers, you will be amenable to this fair approach.

If payment has been made, please accept our thanks and disregard this notice. Otherwise, please contact us immediately so that we may proceed with escrow arrangements.

Sincerely,

A handwritten signature in cursive script that reads "Jan Darnell".
Manager-ICSC

Certified No. P 559 428 500

Southwestern Bell Telephone
One Bell Plaza
Room 3802
Dallas, Texas 75202

(S) Southwestern Bell

April 11, 1997

Mr. David Sherwood
MAP Mobile Communications
840 Green Brier
Chesapeake, VA 23320

Dear Mr. Sherwood:

On February 21, 1997, we sent you a letter indicating that changes in the regulation of telecommunications services may have caused some misunderstanding as to the proper application of charges between LECs and paging companies.


As we stated in our previous correspondence, the FCC has proposed new rules to govern the way telecommunications carriers interconnect and compensate each other for the interchange of traffic. However, as you know, many of the FCC's new rules were stayed by action of the 8th. Circuit Court of Appeals. Moreover, application of the FCC's rules as between LECs and pagers has given rise to some serious problems. Despite the reciprocal compensation requirement in the Telecommunications Act, for example, many paging companies are interpreting the FCC's rules to provide for compensation only from LECs to pagers, with no reciprocity at all.

On February 21, SWBT advised you that if payment was not received or satisfactory payment arrangements made, SWBT would not provision any additional facilities or rearrange existing facilities as of March 25, 1997. In a good faith effort to resolve this dispute, however, SWBT has continued to discuss the issue with several pagers and with the FCC while continuing to provision facilities as requested. While these discussions have been productive, to date they have not resolved the dispute.

SWBT values Map Mobile Communications as a customer and is interested in resolving this issue in a spirit of cooperation. However, while we have no interest in interrupting service to any party's customers, we clearly cannot continue to provide a free service to you forever. Therefore, in good faith we will promptly seek immediate clarification of this issue from the FCC. In the interim, we simply ask that disputed amounts to date and going forward be paid into an escrow account (as mutually agreed by us both) pending resolution of this issue. Of course, if you refuse to take even this action, we will have no choice but to cease provision of facilities beginning May 1, 1997. We hope that in response to our good faith efforts, and in consideration to all customers, you will be amenable to this fair approach.

If payment has been made, please accept our thanks and disregard this notice. Otherwise, please contact us immediately so that we may proceed with escrow arrangements.

Sincerely,


Manager-ICSC

Certified No. P 559 428 526

CERTIFICATE OF SERVICE

I, Mark A. Grannis, do hereby certify that copies of the foregoing Comments of the Personal Communications Industry Association have been sent, via first class mail on this 1st day of May, 1997 to the following:

Donald J. Russell
Telecommunications Task Force
U.S. Department of Justice
Antitrust Division
Room 8205
555 Fourth Street, N.W.
Washington, D.C. 20001

Danny E. Adams
Kelley Drye & Warren LLP
1200 19th Street, N.W.
Suite 500
Washington, D.C. 20036

Angie Kronenberg
Willkie, Farr & Gallagher
Three Lafayette Centre
1155 21st Street, N.W.
Washington, D.C. 20036-3384

Leonard S. Sawicki
MCI Telecommunications
1801 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

James D. Ellis
Paul K. Mancini
Kelly M. Murray
175 E. Houston
San Antonio, TX 78205

Roger K. Toppins
Amy R. Wagner
800 North Harvey, Room 310
Oklahoma City, OK 73102

Tammi A. Foxwell
Dow, Lohnes & Albertson PLLC
1200 New Hampshire Avenue
Suite 800
Washington, D.C. 20036

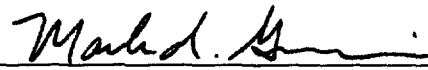
W.A. Drew Edmondson
2300 N. Lincoln Blvd., Suite 112
Oklahoma City, OK 73105-4894

Richard J. Metzger
Associations for Local Telecommunication
Service
1200 19th Street, N.W.
Washington, D.C. 20036

John Gray
Oklahoma Corporation Commission
P.O. Box 52000-2000
Oklahoma City, OK 73152-2000

Robert M. Lunch
Durward D. Dupre
Michael J. Zpevak
One Bell Center
St. Louis, MO 63101

Michael K. Kellogg
Austin C. Schlick
Jonathan T. Molot
Kellogg, Huber, Hansen, Todd & Evans, PLLC
1301 K Street, N.W.
Suite 1000 West
Washington, D.C. 20005


Mark A. Grannis